

1 **SAMUEL L. EILERS**  
California State Bar No. 289222  
2 **MATTHEW C. BINNINGER**  
California State Bar No. 265148  
3 **FEDERAL DEFENDERS OF SAN DIEGO, INC.**  
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4 San Diego, California 92101-5030  
Telephone: (619) 234-8467  
5 Samuel\_Eilers@fd.org  
Matthew\_Binninger@fd.org  
6 Attorneys for Mr. Peralta-Sanchez  
7

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10 **(HONORABLE LARRY ALAN BURNS)**

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 v. )

14 **Rufino PERALTA-SANCHEZ,** )

15 Defendant. )  
16 \_\_\_\_\_ )

**Case No. 14-CR-1308-LAB**

Date: June 9, 2014

Time: 2:00 p.m.

**Notice of Motion and Motion to  
Dismiss Count 2 of the Indictment  
Pursuant to 8 U.S.C. § 1326(d)**

17 **TO: LAURA E. DUFFY**, United States Attorney;  
18 **MICHELLE L. WASSERMAN**, Assistant United States Attorney.

19 PLEASE TAKE NOTICE that on June 9, 2014, or as soon thereafter as  
20 counsel may be heard, the Defendant Rufino Peralta-Sanchez, by and through his  
21 attorneys, Samuel L. Eilers, Matthew C. Binninger, and Federal Defenders of San  
22 Diego, Inc., will move this Court to enter an order granting the following motion.

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1 **MOTION**

2 Rufino Peralta-Sanchez, by and through counsel, Samuel L. Eilers, Matthew  
3 C. Binniger, and Federal Defenders of San Diego, Inc., respectfully moves this  
4 Court pursuant to the United States Constitution, the Federal Rules of Criminal  
5 Procedure, and all other applicable statutes, case law, and local rules for an order to:

6 **Dismiss Count 2 of the Indictment Pursuant to 8 U.S.C. § 1326(d).**

7 This motion is based upon the instant motion and notice of motion, the  
8 attached statement of facts and memorandum of points and authorities, the files and  
9 records in the above-captioned matter, and any and all other materials that may come  
10 to this Court's attention prior to or during the hearing of this motion.  
11

12 Respectfully submitted,

13  
14 Dated: May 27, 2014

15 s/ Samuel L. Eilers  
16 **SAMUEL L. EILERS**  
17 Federal Defenders of San Diego, Inc.  
18 Attorneys for Mr. Peralta-Sanchez  
19 Samuel\_Eilers@fd.org  
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Dated: May 27, 2014

*s/ Samuel L. Eilers*  
**SAMUEL L. EILERS**  
 Federal Defenders of San Diego, Inc.  
 Attorneys for Mr. Peralta-Sanchez  
 Samuel\_Eilers@fd.org